

SHB 1965 - S COMM AMD

By Committee on Government Operations & Elections

ADOPTED AND ENGROSSED 4/13/07

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.70A.367 and 2004 c 208 s 1 are each amended to
4 read as follows:

5 (1) In addition to the major industrial development allowed under
6 RCW 36.70A.365, a county planning under RCW 36.70A.040 that meets the
7 criteria in subsection (~~((10) or (11))~~) (5) of this section may
8 establish, in consultation with cities consistent with provisions of
9 RCW 36.70A.210, a process for designating a bank of no more than two
10 master planned locations for major industrial activity outside urban
11 growth areas.

12 ~~((A master planned location for major industrial developments
13 outside an urban growth area may be included in the urban industrial
14 land bank for the county if criteria including, but not limited to, the
15 following are met through the completion of a comprehensive planning
16 process that ensures that:~~

17 ~~(a) Development regulations are adopted to ensure that urban growth
18 will not occur in adjacent nonurban areas;~~

19 ~~(b) The master plan for the major industrial developments is
20 consistent with the county's development regulations adopted for
21 protection of critical areas;~~

22 ~~(c) An inventory of developable land has been conducted as provided
23 in RCW 36.70A.365;~~

24 ~~(d) Provisions are established for determining the availability of
25 alternate sites within urban growth areas and the long term annexation
26 feasibility of land sites outside of urban growth areas; and~~

27 ~~(e) Development regulations are adopted to require the industrial
28 land bank site to be used primarily for locating industrial and
29 manufacturing businesses and specify that the gross floor area of all
30 commercial and service buildings or facilities locating within the~~

1 industrial land bank shall not exceed ten percent of the total gross
2 floor area of buildings or facilities in the industrial land bank. The
3 commercial and service businesses operated within the ten percent gross
4 floor area limit shall be necessary to the primary industrial or
5 manufacturing businesses within the industrial land bank. The intent
6 of this provision for commercial or service use is to meet the needs of
7 employees, clients, customers, vendors, and others having business at
8 the industrial site and as an adjunct to the industry to attract and
9 retain a quality work force and to further other public objectives,
10 such as trip reduction. Such uses would not be promoted to attract
11 additional clientele from the surrounding area. The commercial and
12 service businesses should be established concurrently with or
13 subsequent to the industrial or manufacturing businesses.

14 (3) The process for reviewing and approving proposals to authorize
15 siting of specific major industrial developments within an approved
16 industrial land bank must ensure through adopted development
17 regulations that:

18 (a) New infrastructure is provided for and/or applicable impact
19 fees are paid;

20 (b) Transit-oriented site planning and traffic demand management
21 programs are implemented;

22 (c) Buffers are provided between the major industrial development
23 and adjacent nonurban areas;

24 (d) Environmental protection including air and water quality has
25 been addressed and provided for;

26 (e) Provision is made to mitigate adverse impacts on designated
27 agricultural lands, forest lands, and mineral resource lands; and

28 (f) An interlocal agreement related to infrastructure cost sharing
29 and revenue sharing between the county and interested cities is
30 established.

31 (4) In selecting master planned locations for inclusion in the
32 urban industrial land bank, priority shall be given to locations that
33 are adjacent to, or in close proximity to, an urban growth area.

34 (5) Final approval of inclusion of a master planned location in an
35 urban industrial land bank under subsection (2) of this section shall
36 be considered an adopted amendment to the comprehensive plan adopted
37 pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2) does not
38 apply so that inclusion or exclusion of master planned locations may be

1 ~~considered at any time. Approval of specific development proposals~~
2 ~~under subsection (3) of this section requires no further comprehensive~~
3 ~~plan amendment.~~

4 ~~(6) Once a master planned location has been included in an urban~~
5 ~~industrial land bank, manufacturing and industrial businesses that~~
6 ~~qualify as major industrial development under RCW 36.70A.365 may be~~
7 ~~located there.~~

8 ~~(7) Nothing in this section alters the requirements for a county to~~
9 ~~comply with chapter 43.21C RCW.~~

10 ~~(8)(a) The authority of a county meeting the criteria of subsection~~
11 ~~(10) of this section to engage in the process of including or excluding~~
12 ~~master planned locations from an urban industrial land bank terminates~~
13 ~~on December 31, 2007. However, any location included in an urban~~
14 ~~industrial land bank on or before December 31, 2007, shall be available~~
15 ~~for major industrial development as long as the criteria of subsection~~
16 ~~(2) of this section are met. A county that has established or proposes~~
17 ~~to establish an industrial land bank pursuant to this section shall~~
18 ~~review the need for an industrial land bank within the county,~~
19 ~~including a review of the availability of land for industrial and~~
20 ~~manufacturing uses within the urban growth area, during the review and~~
21 ~~evaluation of comprehensive plans and development regulations required~~
22 ~~by RCW 36.70A.130.~~

23 ~~(b) The authority of a county meeting the criteria of subsection~~
24 ~~(11) of this section to engage in the process of including or excluding~~
25 ~~master planned locations from the urban industrial land bank terminates~~
26 ~~on December 31, 2002. However, any location included in the urban~~
27 ~~industrial land bank on December 31, 2002, shall be available for major~~
28 ~~industrial development as long as the criteria of subsection (2) of~~
29 ~~this section are met.~~

30 ~~(9))~~ A master planned location for major industrial developments
31 may be approved through a two-step process: Designation of an
32 industrial land bank area in the comprehensive plan; and subsequent
33 approval of specific major industrial developments through a local
34 master plan process described under subsection (3) of this section.

35 (a) The comprehensive plan must identify locations suited to major
36 industrial development due to proximity to transportation or resource
37 assets. The plan must identify the maximum size of the industrial land
38 bank area and any limitations on major industrial developments based on

1 local limiting factors, but does not need to specify a particular
2 parcel or parcels of property or identify any specific use or user
3 except as limited by this section. In selecting locations for the
4 industrial land bank area, priority must be given to locations that are
5 adjacent to, or in close proximity to, an urban growth area.

6 (b) The environmental review for amendment of the comprehensive
7 plan must be at the programmatic level and, in addition to a threshold
8 determination, must include:

9 (i) An inventory of developable land as provided in RCW 36.70A.365;
10 and

11 (ii) An analysis of the availability of alternative sites within
12 urban growth areas and the long-term annexation feasibility of sites
13 outside of urban growth areas.

14 (c) Final approval of an industrial land bank area under this
15 section must be by amendment to the comprehensive plan adopted under
16 RCW 36.70A.070, and the amendment is exempt from the limitation of RCW
17 36.70A.130(2) and may be considered at any time. Approval of a
18 specific major industrial development within the industrial land bank
19 area requires no further amendment of the comprehensive plan.

20 (3) In concert with the designation of an industrial land bank
21 area, a county shall also adopt development regulations for review and
22 approval of specific major industrial developments through a master
23 plan process. The regulations governing the master plan process shall
24 ensure, at a minimum, that:

25 (a) Urban growth will not occur in adjacent nonurban areas;

26 (b) Development is consistent with the county's development
27 regulations adopted for protection of critical areas;

28 (c) Required infrastructure is identified and provided concurrent
29 with development. Such infrastructure, however, may be phased in with
30 development;

31 (d) Transit-oriented site planning and demand management programs
32 are specifically addressed as part of the master plan approval;

33 (e) Provision is made for addressing environmental protection,
34 including air and water quality, as part of the master plan approval;

35 (f) The master plan approval includes a requirement that interlocal
36 agreements between the county and service providers, including cities
37 and special purpose districts providing facilities or services to the
38 approved master plan, be in place at the time of master plan approval;

1 (g) A major industrial development is used primarily by industrial
2 and manufacturing businesses, and that the gross floor area of all
3 commercial and service buildings or facilities locating within the
4 major industrial development does not exceed ten percent of the total
5 gross floor area of buildings or facilities in the development. The
6 intent of this provision for commercial or service use is to meet the
7 needs of employees, clients, customers, vendors, and others having
8 business at the industrial site, to attract and retain a quality
9 workforce, and to further other public objectives, such as trip
10 reduction. These uses may not be promoted to attract additional
11 clientele from the surrounding area. Commercial and service businesses
12 must be established concurrently with or subsequent to the industrial
13 or manufacturing businesses;

14 (h) New infrastructure is provided for and/or applicable impact
15 fees are paid to assure that adequate facilities are provided
16 concurrently with the development. Infrastructure may be achieved in
17 phases as development proceeds;

18 (i) Buffers are provided between the major industrial development
19 and adjacent rural areas;

20 (j) Provision is made to mitigate adverse impacts on designated
21 agricultural lands, forest lands, and mineral resource lands; and

22 (k) An open record public hearing is held before either the
23 planning commission or hearing examiner with notice published at least
24 thirty days before the hearing date and mailed to all property owners
25 within one mile of the site.

26 (4) For the purposes of this section:

27 (a) "Major industrial development" means a master planned location
28 suitable for manufacturing or industrial businesses that: (i) Requires
29 a parcel of land so large that no suitable parcels are available within
30 an urban growth area; (ii) is a natural resource-based industry
31 requiring a location near agricultural land, forest land, or mineral
32 resource land upon which it is dependent; or (iii) requires a location
33 with characteristics such as proximity to transportation facilities or
34 related industries such that there is no suitable location in an urban
35 growth area. The major industrial development may not be for the
36 purpose of retail commercial development or multitenant office parks.

37 (b) "Industrial land bank" means up to two master planned
38 locations, each consisting of a parcel or parcels of contiguous land,

1 sufficiently large so as not to be readily available within the urban
2 growth area of a city, or otherwise meeting the criteria contained in
3 (a) of this subsection, suitable for manufacturing, industrial, or
4 commercial businesses and designated by the county through the
5 comprehensive planning process specifically for major industrial use.

6 ~~((+10+))~~ (5) This section and the termination ~~((date))~~ provisions
7 specified in subsection ~~((+8+)(a+))~~ (6) of this section apply to a
8 county that at the time the process is established under subsection (1)
9 of this section:

10 (a) Has a population greater than two hundred fifty thousand and is
11 part of a metropolitan area that includes a city in another state with
12 a population greater than two hundred fifty thousand;

13 (b) Has a population greater than one hundred forty thousand and is
14 adjacent to another country;

15 (c) Has a population greater than forty thousand but less than
16 seventy-five thousand and has an average level of unemployment for the
17 preceding three years that exceeds the average state unemployment for
18 those years by twenty percent; and

19 (i) Is bordered by the Pacific Ocean;

20 (ii) Is located in the Interstate 5 or Interstate 90 corridor; or

21 (iii) Is bordered by Hood Canal;

22 (d) Is east of the Cascade divide; and

23 (i) Borders another state to the south; or

24 (ii) Is located wholly south of Interstate 90 and borders the
25 Columbia river to the east; ~~((or))~~

26 (e) Has an average population density of less than one hundred
27 persons per square mile as determined by the office of financial
28 management, and is bordered by the Pacific Ocean and by Hood
29 Canal~~((+))~~; or

30 ~~((+11) This section and the termination date specified in~~
31 ~~subsection (8)(b) of this section apply to a county that at the time~~
32 ~~the process is established under subsection (1) of this section))~~ (f)
33 Meets all of the following criteria:

34 ~~((+a+))~~ (i) Has a population greater than forty thousand but fewer
35 than eighty thousand;

36 ~~((+b+))~~ (ii) Has an average level of unemployment for the preceding
37 three years that exceeds the average state unemployment for those years
38 by twenty percent; and

1 ~~((e))~~ (iii) Is located in the Interstate 5 or Interstate 90
2 corridor.

3 ~~((12))~~ (6) In order to identify and approve locations for
4 industrial land banks, the county shall take action to designate one or
5 more industrial land banks and adopt conforming regulations as provided
6 by RCW 36.70A.367(2) on or before the last date to complete that
7 county's next periodic review under RCW 36.70A.130(4) that occurs prior
8 to December 31, 2014. The authority to take action to designate a land
9 bank area in the comprehensive plan expires if not acted upon by the
10 county within the time frame provided in this section. Once a land
11 bank area has been identified in the county's comprehensive plan, the
12 authority of the county to process a master plan or site projects
13 within an approved master plan does not expire.

14 (7) Any county seeking to designate an industrial land bank under
15 this section must:

16 (a) Provide countywide notice, in conformity with RCW 36.70A.035,
17 of the intent to designate an industrial land bank. Notice must be
18 published in a newspaper or newspapers of general circulation
19 reasonably likely to reach subscribers in all geographic areas of the
20 county. Notice must be provided not less than thirty days prior to
21 commencement of consideration by the county legislative body; and

22 (b) Make a written determination of the criteria and rationale used
23 by the legislative body as the basis for siting an industrial land bank
24 under this chapter.

25 (8) Any location included in an industrial land bank pursuant to
26 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of
27 1997, and section 2, chapter 167, Laws of 1996 shall remain available
28 for major industrial development according to this section as long as
29 the ~~((criteria of subsection (2)))~~ requirements of this section
30 continue to be satisfied."

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1 On page 1, line 2 of the title, after "banks;" strike the remainder
2 of the title and insert "and amending RCW 36.70A.367."

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